

## ALLOWANCE

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James J. Bindsell September 3, 2009, Applicant's representative indicated that Claim 5, was amendment instead of claim 15, in the examiner's amendment dated March 31, 2009, therefore this amendment will correct the typographical errors.

The application has been amended as follows:

Claim 5 has been replaced by --

-- Claim 5 The method of claim 1, wherein the receiver entity comprises a carrier.

Claim 15 has been replaced by --

-- Claim 15, An automated distribution and billing system, comprising:

an extranet accessible by multiple carriers and multiple developers, wherein each developer corresponds to a creator of an application, wherein each carrier corresponds to a distributor of applications, wherein the extranet defines a negotiation forum that enables a virtual negotiation of billing-related metadata between a respective carrier and a respective developer for a respective application, wherein at least a portion of the billing-related metadata relates to how to account for distribution of the respective application by the respective carrier to a wireless device operating on a network of the respective carrier and corresponding to a subscriber;

a server having a central repository that stores agreed-to billing-related metadata corresponding to the respective application, the respective carrier and the respective developer, wherein the agreed-to billing-related metadata comprises respective billing-related metadata accepted by both the respective carrier and the respective developer during the virtual negotiation; and

a transaction server for receiving transaction data corresponding to a downloading of the respective application from the respective carrier to the wireless device, and, using the corresponding agreed-to billing-related metadata, for determining billing information associated with the downloading of the application and for transmitting the billing information only to the carrier to account for the distribution of the application by the carrier to the wireless device, wherein the billing information includes a developer payment fee and a portion of the transaction data used by the carrier to derive an application download event for billing the subscriber.

### **Allowable Subject Matter**

2. Claims 1-42 are allowable over the prior art of record and has argued by Applicant's representative in their response 10/16/2008.

### **Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/  
Primary Examiner, Art Unit 3696

CG  
September 3, 2009